

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: LEVITE=3

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| In re Application of: |) | Conf. No.: 8418 |
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| Mia LEVITE |) | Art Unit: 1644 |
| |) | |
| Appln. No.: 10/809,425 |) | Examiner: A. E. Juedes |
| |) | |
| Filed: March 26, 2004 |) | Washington, D.C. |
| |) | |
| For: METHODS OF AND |) | June 30, 2008 |
| PHARMACEUTICAL |) | |
| COMPOSITIONS FOR ... |) | |

RESPONSE

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

The present communication is responsive to the restriction requirement of May 30, 2008. Claims 17-27 presently appear in this case. None of these claims have yet been acted upon on the merits. The official action of May 30, 2008, has now been carefully studied. Prompt consideration and allowance of all of the claims now present in the case are respectfully urged.

The examiner has required restriction among the following species of the generically claimed invention:

Group I, including claims 18-19;
Group II, including claim 20; and
Group III, including claims 21-22.

Applicant hereby elects the method for upregulating T-cell activity in a mammalian subject employing glutamate or a glutamate analog, which is classified as Group I by the examiner. Applicant's have noted the examiner's statement that claims 17 and 23-27 link inventions I-III and that upon allowance of the linking claims the restriction requirement as to linked inventions will be withdrawn and all of the claims examined.

It is noted that the examiner has further required applicant to elect a specific subject to be treated wherein the subject is suffering from a specific disease or condition such as one of those recited in claims 23-25.

Applicant hereby elects the subject that is suffering from a neoplastic disease other than a T-cell cancer. Again, it is understood that if linking claims 17 or 23 are found to be allowable then all of the claimed indications will be examined and allowed.

The following claims read on the elected species:
17-19, 23, 24, 26 and 27.

Appln. No. 10/809,425
Response dated June 30, 2008
Reply to Office action of May 30, 2008

Prompt prosecution on the merits, examination and allowance of the claims now present in the case are earnestly solicited.

Respectfully submitted,

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